the patentability of the present invention over the prior art. Therefore, Applicants have removed this limitation from the independent claims, and placed this limitation into dependent claims.

Applicants request reconsideration of the previous rejection of the claims in light of the reply filed November 13, 2001.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300.

Respectfully submitted,

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MARKED-UP COPY OF ORIGINAL CLAIMS

1. (Twice Amended) A method of recovering nickel from soil rich in nickel, comprising:

(a) growing a nickel hyperaccumulating plant selected from the genera *Alyssum* on said soil, while maintaining soil conditions such that the concentration of calcium in said soil is from about 0.128 mM to about 5 mM and said pH is maintained below about 7.0,

(b) allowing said growth to continue until such time as the concentration of Ni in the above ground tissues of said plant is [at least 2.5%,] over 1000 mg per kg gross dry weight of the above ground tissues,

(c) drying said above ground tissues, and

(d) recovering Ni from said above ground tissues.

13. (Once Amended) A nickel hyperaccumulating plant of the *Alyssum* genus selected from the group consisting of *A. murale*, *A. pintodasilvae*, *A. malacitanum*, *A. lesbiacum*, *A. fallacinum*, *A. argenteum*, *A. tenium* and *A. heldreichii*, having a concentration of nickel in its above-ground tissues of [at least 2.5% based on the] over 1000 mg per kg gross dry weight of the above-ground tissues, wherein the plant is produced by a method comprising at least the following step:

growing the plant in a soil maintained under soil conditions such that the concentration of calcium in the soil is from about 0.128 mM to about 5 mM and the pH is below about 7.0 until such time that the concentration of nickel in the above-ground

tissues is [at least 2.5% based on the] over 1000 mg per kg gross dry weight of the above-ground tissues.

14. (Once Amended) A nickel hyperaccumulating plant of the Alyssum genus having (1) a concentration of nickel in its above-ground tissues of [at least 2.5% based on the] over 1000 mg per kg gross dry weight of the above-ground tissues, and (2) a concentration in its above-ground tissues of at least one other metal selected from the group consisting of Co, Pd, Rh, Ru, Pt, Ir, Os and Re, wherein the plant is produced by a method comprising at least the following step:

growing the plant in a soil maintained under soil conditions such that the concentration of calcium in the soil is from about 0.128 mM to about 5 mM and the pH is below about 7.0 until such time that the concentration of nickel in the above-ground tissues is [at least 2.5% based on the] over 1000 mg per kg gross dry weight of the above-ground tissues, and the concentration in the above-ground tissues of at least one other metal is achieved.